

REMARKS

Applicant submits the following remarks in response to the action mailed on September 7, 2006.

Claim Amendments

Applicant has amended claims 33-40, 44-50 and 54-60. The claims have been amended to correct grammatical errors and to clarify some of the phrasing in the claims. Applicant respectfully requests entry of the claim amendments.

Obviousness-type Double Patenting Rejection

Claims 33-40, 44-50 and 54-60 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of U.S. Patent No. 6,680,578 (the '578 patent). Applicant submits herewith a terminal disclaimer over the '578 patent. The applicant believes the terminal disclaimer obviates the rejection.


Applicants note that the filing of a terminal disclaimer in the instant application to obviate the rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

The applicant requests that claims 33-40, 44-50 and 54-60 be found to be in condition for allowance.

Please apply any required charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: December 6, 2006

  
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